



Kanawha County
OFFICE OF THE PROSECUTING ATTORNEY
301 Virginia Street East
Charleston, WV 25301
(304) 357-0300
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FILED
2020 DEC 18 AM 8:22
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

CHARLES T. MILLER
Prosecuting Attorney

December 8, 2020

Mr. W. Jesse Forbes, Esq.
Forbes Law Offices, PLLC
1118 Kanawha Blvd., East
Charleston, WV 25301

Re: State of West Virginia v. William Means
Case No. 20-F-277 and 20-M-104

Dear Mr. Forbes;

After reviewing the file in this case, the Office of the Prosecuting Attorney is prepared to make your client, William Means, the following plea offer, which supersedes the prior plea offer extended by the State:

1. The Defendant will enter a plea of guilty to the felony crime of FLEEING WITH RECKLESS INDIFFERENCE, West Virginia Code § 61-5-17(f), as charged in Count Four of Felony Indictment Number 20-F-277. The maximum penalty to which the Defendant will be exposed by virtue of his guilty plea is a fine of not less than \$1,000 nor more than \$2,000 and imprisonment in a state correctional facility for not less than one (1) nor more than five (5) years.
2. The Defendant will enter a plea of guilty to the misdemeanor crime of DRIVING WHILE LICENSE REVOKED FOR DRIVING UNDER THE INFLUENCE, West Virginia Code § 17B-4-3(b), as charged in Count Three of Misdemeanor Indictment Number 20-M-104. The maximum penalty to which the Defendant will be exposed by virtue of his guilty plea is

1A

confinement in jail for a period of not less than thirty (30) days nor more than six (6) months and a fine of not less than \$100 nor more than \$500

3. In exchange for said pleas of guilty, the State will recommend that the Defendant receive the alternative sentence of probation. The Defendant understands that sentencing is in the sole discretion of the Court and the Court is not bound to adopt any recommendation made by the State.

4. Further, in exchange for the aforesaid pleas of guilty, the State will move to dismiss all remaining counts of Indictment Nos. 20-F-277 and 20-M-104.

5. The State of West Virginia retains the right to respond to any questions raised by the Court and to correct any inaccuracies or inadequacies in the pre-sentence report.

6. Should the Defendant fail to appear for imposition of sentence, or otherwise, during further proceedings in this action as required by the Court without just cause or excuse, the same will constitute a breach of this agreement and, upon motion of the State, this agreement will be vacated, and any charges dismissed, waived, or reduced pursuant to this plea agreement will be reinstated without necessity of the presence of the Defendant or re-indictment of or notice to the Defendant, and the parties will be returned to their original positions prior to the Defendant's entry of a plea.

7. It is expressly understood that should the within plea or sentence to be imposed upon the Defendant be vacated, set aside or overturned by any State or Federal Court, the parties will be returned to their original positions, and the State will be free to proceed on the original charges. It is expressly understood that it is a violation of this plea agreement if Defendant commits a crime after a plea is entered but prior to sentencing. Further, that should either the State or the Defendant violate or fail to fully comply with any provisions of this agreement, the within

pleas, conviction and sentence shall be vacated and set aside by the Court upon the motion of the offended party, whether the State or the Defendant, and the parties will be returned to their original positions before the entry of these pleas, and any charges dismissed as a result of this plea agreement will be will be reinstated.

8. The Defendant hereby acknowledges that he has been informed that though this agreement is binding upon the State and the Defendant, the same may be rejected by the Court at any time prior to final imposition of sentence.

9. The Defendant hereby agrees to make any restitution to the victims that resulted from the actions that initiated this case.

10. This plea agreement constitutes the entire plea agreement between the parties, and it is expressly acknowledged that no other agreement or agreements other than those appearing on the face of this plea agreement exist.

11. This offer of a plea agreement will remain valid and open to the Defendant until 2:00 P.M. on December 9, 2020.

Sincerely,

CHARLES T. MILLER
Prosecuting Attorney

By:

Jonathan M. Calhoun
JONATHAN M. CALHOUN
Assistant Prosecuting Attorney

William Means

William Means
Defendant

W. Jesse Forbes, Esq.

W. Jesse Forbes, Esq.
Counsel for the Defendant

12/8/20

Date

12/8/20

Date

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 KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 20-F-277 Count Four:
 20-M-104 Count Three
 (Judge Louis H. Bloom)

WILLIAM ALLEN MEANS

DEFENDANT'S STATEMENT IN SUPPORT OF GUILTY PLEAS

1. What is your full name?

William Allen Means

2. How old are you?

31

3. What is the extent of your education?

9th Grade

4. How many years of schooling have you completed?

9th Grade

5. Have you received a copy of the Indictment?

Yes

6. Are you the person charged in that Indictment?

Yes

[Signature]
 DEFENDANT'S ATTORNEY

[Signature]
 DEFENDANT'S SIGNATURE

7. Do you know and understand that you have the right to consult with a lawyer before entering a plea?

Yes

8. Do you know and understand that you may select and employ your own lawyer, or if you cannot afford a lawyer, one will be appointed?

Yes

9. Do you know and understand that you have been charged with a violation or violations of the West Virginia Code, Chapter 61, Article 5 Section 17(f), and Chapter 17B, Article 4, Section 3(b)?

Yes

10. Do you understand each and every element of the crime or crimes to which you are presently pleading? **LIST ELEMENTS**

1) You are the defendant?

Yes

2) Crime occurred in Kanawha County on the 25th day of February, 2019?

fleeing or attempting to flee from law enforcement

3) After a clear visual or audible signal

4) In a manner showing reckless indifference to safety of others, driving a vehicle on public highway when

11. The minimum and maximum penalty upon conviction of the charge upon entering a Plea of Guilty is:

minimum penalty not less than one year, 30 days

maximum penalty not more than five years, 6 months

(fleeing occurred on 2/25/19, driving while revoked occurred on 5/2/20.

DEFENDANT'S ATTORNEY

DEFENDANT'S SIGNATURE

12. Have you ever been treated at any time for any mental illness?

Yes, Depression

If yes, explain.

Defendant has been treated for depression since becoming paralyzed.

13. Have you ever been addicted to or hooked on drugs?

Defendant has been treated for polysubstance use.

If yes, explain.

Defendant has history of polysubstance use.

14. As you answer these questions are you under the influence of any drugs or alcohol or other stimulants?

Defendant is not under the influence of any illegal drugs or ~~alcohol~~ alcohol but is currently hospitalized and receiving
If yes, explain. prescribed medication.

Defendant is not under the influence of any substance that prevents his understanding of these questions.

15. Have you discussed your pleas in this case with any member of your family?

Yes

If yes, explain.

Mother

16. If you have a lawyer, have you discussed with him every fact or circumstance which would have any bearing upon your guilty or innocence, that is, have you told your lawyer everything you know about this case?

Yes

[Signature]
DEFENDANT'S ATTORNEY

[Signature]
DEFENDANT'S SIGNATURE

17. Do you know and understand that the decision to plead Guilty must be made by you alone, regardless of what your lawyer might have told you, and that you must accept the full responsibility of your decision?

Yes

18. Were you promised anything in exchange for your Plea of Guilty?

only the items listed in the plea agreement

19. Did you sign the plea agreement freely and voluntarily?

Yes

20. Do you understand all of the terms of the plea agreement?

Yes

21. Does the plea agreement accurately reflect all of the terms of your agreement with the State of West Virginia?

Yes

22. Were you promised anything in exchange for your Plea of Guilty other than what is in the plea agreement?

NO

23. Do you know and understand that this court will not be bound by any agreement or recommendation by anyone which pertains to the sentence you will receive if you plead guilty in this case, that the matter of sentencing is strictly for the court to decide, and that the court will not be obligated or required to give any effect whatever to such recommendations?

Yes

24. Do you know and understand that you have a constitutional right to plead not guilty; you cannot be compelled to plead Guilty, nor can you be compelled to give evidence against yourself?

Yes

[Signature]
DEFENDANT'S ATTORNEY

[Signature]
DEFENDANT'S SIGNATURE

25. Do you know and understand that you have a constitutional right to a public trial, without unreasonable delay, by a jury of twelve qualified persons in circuit court?

YES

26. Do you know and understand that, at a trial before a jury, you could not be compelled to testify or give any evidence or answer any questions, and that you could remain entirely silent?

YES

27. Do you know and understand that you have the constitutional right, at such a trial, to confront the witnesses against you, and to be confronted by them, and to cross-examine and question all witnesses testifying against you, on behalf of the State?

YES

28. Do you know and understand that you have a right to have witnesses in your favor compelled to attend court and testify and be questioned by you or your lawyer on your behalf?

YES

29. Do you know and understand that before you could be found guilty at such trial, the State of West Virginia would be required to prove to the satisfaction of the Judge or each member of the jury, beyond a reasonable doubt, that you are guilty of each and every element of the crime or crimes charged in the Indictment?

YES

30. Do you know and understand that if you are found to be guilty in the circuit court, you have the right to appeal your conviction to the Supreme Court of Appeals of this State to determine if there are any errors of law in your trial?

YES


DEFENDANT'S ATTORNEY


DEFENDANT'S SIGNATURE

31. Do you know and understand that you have a right to move this court to suppress any illegally obtained evidence including statements made by you and that, in the event this court sustains these motions such evidence could not be used against you at the trial?

Yes

32. Do you know and understand that by pleading guilty you waive all of these provisions of the law and constitutional rights available to you, that you will be convicted of this crime, and that you will be subject to the maximum sentence provided by law upon your Plea of Guilty alone, without further proceedings?

Yes

33. Are you satisfied with the services your lawyer has given you in this case?

Yes

34. Knowing and understanding all of these things, do you still desire to plead Guilty?

Yes

35. To what crime?

Fleeing with Locked Inmates and Driving While
Licenses Revoked for D.U.I.

36. Do you plead Guilty of your own free will?

Yes

37. Do you believe yourself to be guilty?

Yes


DEFENDANT'S ATTORNEY

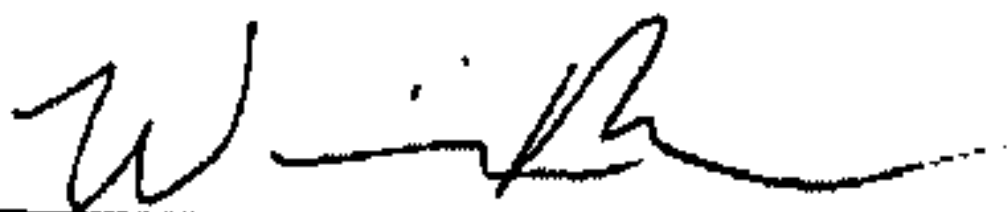

DEFENDANT'S SIGNATURE

From: Forbes Law Offices, P.C. Fax: 304-388-3672

To: 3043883672@prcfax.com Fax: (304) 388-3672

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Now, having been duly sworn in the presence of the Judge, I do solemnly swear that the answers are true and correct.


DEFENDANT

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

Taken, subscribed and sworn to before the undersigned authority by
William Allen Means
_____ in the County aforesaid this 17th
December _____, 20____.


CIRCUIT CLERK/DEPUTY CLERK

Judge

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 20-F-277 Count Four:
20-M-104 Count Three
(Judge Louis H. Bloom)

WILLIAM ALLEN MEANS

RIGHTS WAIVED BY PLEAS OF GUILTY

(Please initial in the spaces provided)

WAM

Right to plead not guilty or stand mute;

WAM

Right to jury trial;

WAM

Jury of twelve (12) qualified citizens of Kanawha County;

WAM

Trial in public

WAM

Input in jury selection;

WAM

Right to remain silent;

WAM

Right to testify;

WAM

Right to compel witnesses to appear and testify to
and to present evidence;

WAM

Right to cross-examine witnesses for the State;

WAM

Right to confront witnesses for the State;

WAM

Right to counsel throughout trial and appeal;

WAM

Right to appeal errors made at trial;

WAM

Proof beyond reasonable doubt;

WAM

Unanimous jury verdict;

WAM

Right to move to suppress illegally obtained

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From: Forbes Law Offices, P1 Fax: 3043883672

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evidence and statements made by Defendant:

Conviction without further proceedings:


DEFENDANT

12/16/20
DATE


COUNSEL FOR DEFENDANT

12/16/20
DATE

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 20-F-277 Count Four:
20-M-104 Count Three
(Judge Louis H. Bloom)

WILLIAM ALLEN MEANS

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KANAWHA COUNTY CIRCUIT COURT

ATTORNEY'S STATEMENT IN SUPPORT OF PLEAS OF GUILTY

1. Were you appointed by the Court to represent this defendant or are you privately retained?
Retained
2. Have you had an ample opportunity to prepare any possible defenses for your client?
Yes
3. Have you met with your client concerning this case and discussed all possible defenses?
Yes
4. Have you explained to the defendant every element of the charge contained this Indictment?
Yes
5. Have you explained to your client the Constitutional Right to a trial by jury and other Constitutional Rights which are surrendered by this Plea of Guilty?
Yes

6. Have you explained to your client the consequences of entering a Plea of Guilty?

Yes

7. In your opinion, does your client understand each and every element of the crime to which this guilty plea is offered?

Yes

8. Have you made an investigation of the charge concerning your client?

Yes

9. In your opinion, is there admissible evidence available to the State and disclosed to you in the case which is sufficient to support a guilty verdict for which the plea is offered, or an included greater offense?

Yes

10. Have you discussed with your client the contents of the discovery provided by the State in this case?

Yes

11. Have you gone over with your client the questions which have been answered in the "Defendant's Statement in Support of Plea of Guilty"?

Yes

12. Did your client write the answers to the questions on that form?

No

13. If not, did you write the answers and did you write accurately the answers given to you by your client?

Yes

14. Has your client re-read the questions and answers after the completion of the answers?

Yes

15. Has there been a plea agreement reached?

Yes

16. If answer to above is yes, has that agreement been reduced to writing in its entirety and filed in this case?

Yes

17. In your opinion, based upon your personal observations, was your client under the influence of any drugs or stimulants at the time of making the answers to those questions?

My Client is currently hospitalized and receiving prescribed medication but does not appear to be under the influence of any substance that prevents him from understanding the questions.

18. Is your client's plea being entered as a binding plea upon this Court?

YES

✓ NO

[Signature]
COUNSEL FOR DEFENDANT

12-9-20
DATE

12-16-20
[Signature]

From: Forbes Law Offices, P.I. Fax: 304-693-2679

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

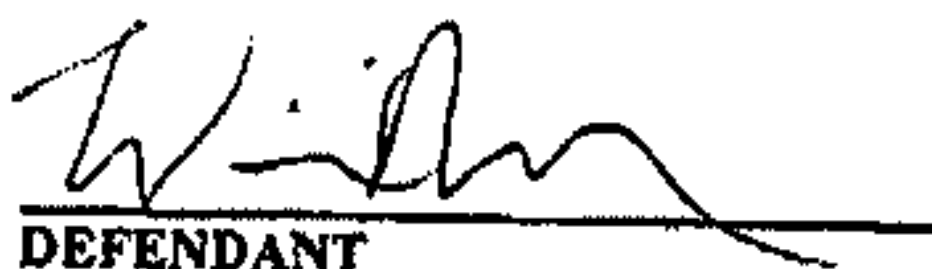
Case No. 20-F-277 Count Four

WILLIAM ALLEN MEANS

PLEA OF GUILTY

I, WILLIAM ALLEN MEANS, having been accused in an indictment returned by the September Term 2020 of the Grand Jury of the Circuit Court of Kanawha County of committing the felony offense of Fleeing with Reckless Indifference to the Safety of Others, desire to enter a plea of guilty to the felony offense of Fleeing with Reckless Indifference to the Safety of Others, a provable offense as contained in Count Four of said indictment.

Before being called upon to enter any plea in this case I fully understand the following:


 DEFENDANT

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 KANAWHA COUNTY CIRCUIT COURT

That I have the right to hire a lawyer of my choice and that if I cannot afford to hire a lawyer, the Court will appoint a lawyer qualified in the handling of criminal matters to defend me without cost;

That I have a right to consult with my lawyer and have him advise me and prepare a defense;

That if I plead not guilty, I would receive a public trial by an impartial jury of twelve (12) persons, but by pleading guilty I would not receive such a trial;

That I have the right to remain silent during all proceedings;

That I have a right to confront my accusers and cross-examine them;


That I have a right to testify in my own defense and to present witnesses in my own defense;

That in the event I am convicted by a jury, I have the right to petition for an appeal of said conviction for any errors of law;

That I have the right to move the Court to suppress illegally obtained evidence and illegally obtained confessions, if any; and,

That I have the right to challenge in the trial court and on appeal all pre-trial proceedings, but by pleading guilty I would waive all pre-trial defects with regard to, among others, my arrest, the gathering of evidence and prior confessions as well as, all non-jurisdictional defects in this criminal proceeding.

Having read and understood my foregoing rights and further understanding that any plea bargaining which appears in the record of this case is not binding upon the Court with respect to punishment or probation and understanding that in the event I should plead guilty


DEFENDANT

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Fax: (304) 388-3672

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to the felony offense of Fleeing with Reckless Indifference to the Safety of Others, that I could be sentenced to a state correctional facility for not less than one (1) nor more than five (5) years and a fine not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000), it is still my intention and desire to enter a plea of guilty.

Therefore, in the presence of W. Jesse Forbes, my counsel, who has, to my total satisfaction, represented and advised me in this case and who has fully explained the nature and meaning of the charges contained in the indictment against me and having received a copy of the indictment before being called upon to plead, I hereby enter a plea of guilty to the felony offense of Fleeing with Reckless Indifference to the Safety of Others, a provable offense as contained in Count Four of said indictment.



DEFENDANT

DATE:

12/16/20

WITNESSES:
